

APPEAL NO. 030485
FILED APRIL 15, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 22, 2003. The record closed on January 24, 2003. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury of _____, did not extend to or include lumbar disc or lumbar vertebral spinal injuries or depression and that the claimant had disability, as a result of his compensable lumbar strain injury, from April 24 to June 7, 2002, and from August 14 to October 4, 2002. In his appeal, the claimant essentially argues that the hearing officer's determination that his compensable injury did not include lumbar disc or vertebral injuries or depression and that his disability ended on October 4, 2002, are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's _____, compensable injury does not extend to and include a lumbar disc or vertebral injuries or depression; and that his disability, resulting from his compensable injury, ended on October 4, 2002. The claimant had the burden of proof on those issues. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The extent-of-injury and disability issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

In this instance, the hearing officer determined that the claimant failed to prove that his lumbar disc and vertebral injuries and depression were causally related to his _____, injury at work. The hearing officer discounted the causation opinions offered by the claimant and she was acting within her province as the fact finder in so doing. In addition, the hearing officer was not persuaded that the claimant's compensable lumbar strain injury caused disability after October 4, 2002. Nothing in our review of the record demonstrates that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore,

no sound basis exists for us to reverse those determinations on appeal. Pool, *supra*; Cain, *supra*.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**RE
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Terri Kay Oliver
Appeals Judge